

IPART's review of the NSW Rail Access Undertaking

19 August 2021

1. Topic

The Independent Pricing and Regulatory Tribunal (IPART) has been asked to review the NSW Rail Access Undertaking under section 12A of the IPART Act. This briefing seeks to settle the final terms of reference for IPART's investigation.

2. Recommendation

That the Minister for Digital, Minister for Customer Service sign the attached letter to IPART and the final terms of reference for the review.

Approved/Not Approved

Signature:



Date: 22/08/21

The Hon. Victor Dominello, MP
Minister for Digital
Minister for Customer Service

3. Key reasons

- The Minister for Transport and Minister for Regional Transport requested your approval for IPART to undertake review of the NSW Rail Access Undertaking.
- The undertaking has not been reviewed since it came into effect in 1999. Since then, there have been significant changes to the ownership, scope and complexity of the rail network, particularly in the Hunter Valley coal chain. Stakeholders, including rail infrastructure owners (the Transport Asset

Holding Entity (TAHE) and Australian Rail Track Corporation (ARTC), above-rail operators and customers (e.g. mining companies) generally agree that it would be timely for us to review the undertaking to ensure it remains fit-for-purpose.

- IPART will charge Transport for NSW (TfNSW) for the review. IPART and TfNSW have informally agreed on \$200,000.
- On 15 June 2021, IPART received draft terms of reference from Minister Dominello under section 12 A of the IPART Act. to investigate and make recommendations on the operation of the Undertaking and its surrounding regulatory framework.
- In line with section 13 of the IPART Act, IPART advertised the draft terms of reference and sought comments from stakeholders. Submissions closed on 30 June 2021 and IPART received 4 submissions.
- IPART considered the submissions and decided that the issues raised by stakeholders could be considered under the scope of the draft terms of reference. We recommend no further changes are required.
- IPART consulted on our recommendation to leave the terms of reference unchanged with relevant departmental staff at Transport for NSW.
- A copy of the draft terms of reference is at Attachment A for the Minister's signature.
- A draft letter from Minister is at Attachment B, for the Minister's signature.

4. Attachments

Number	Description
Attachment A	Draft terms of reference for signature
Attachment B	Draft letter from Minister

5. Contact

Contact	Role	Phone	Email
Jessica Robinson	Director	02 9290 8405	Jessica_robinson@ipart.nsw.gov.au